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PATENT

Docket No. 293.00010102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Emery et al.) Group Art Unit: 1654
Serial No.: 10/749,602) Examiner: Patricia A. Leith
Confirmation No.: 8548)
Filed: December 31, 2003)
For: IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING IMPLANT

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Attn: Examiner Patricia A. Leith
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April 18, 2005
Date

Signature: Rachel Bagliardi-Gebhardt
Name: Rachel Bagliardi-Gebhardt

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RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the "Notice of Incomplete Reply (Nonprovisional)," mailed March 18, 2005, Applicant provides species elections in response to the Examiners request for an election of species under 35 U.S.C. § 121. The election of species contained four different aspects. Applicant provides an election for each of the species elections requested by the Examiner, below:

A) Source of Immunogen. The Examiner requested an election between fungi and bacteria, with a further sub-species election of the type of bacteria should bacteria be chosen. Applicant hereby elects the species "bacterial" and the sub-species "Salmonella spp."

B) Type of Immunogen. The Examiner requested an election of species of immunogen, i.e., polypeptide or sphingolipid. Applicant hereby elects the species polypeptide.

C) Viral Source. The Examiner requested an election to the species of virus from which the immunogen is derived, should the source be viral; i.e., avian influenza virus or fowl pox virus.

Response to Notice of Incomplete Reply (Nonprovisional)

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Applicant hereby elects hemorrhagic enteritis virus.

D) Siderophore receptor protein. The Examiner requested an election to the species of siderophore receptor protein, should polypeptides be selected as the type of immunogen. As Applicant has selected polypeptides as the type of immunogen, Applicant hereby further selects the siderophore receptor protein of enterochelin.

It is to be understood that this election of species is for the sole purpose of the Examiner's initial search and examination, and that upon allowance of a generic claim, all species encompassed by that claim will then be examined. M.P.E.P. § 809.02(c).

The application should now be in condition for examination. Please direct any inquiries to the undersigned attorney.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR § 1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18th day of April, 2005, at 6:08 p.m. (Central Time).

Name: Rachel Gagliardi-Gebhardt
Signature: Rachel Gagliardi-Gebhardt

Respectfully submitted for

Emery et al.

By

Mueeting, Raasch & Gebhardt, P.A.

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